

HOUSE JUDICIARY COMMITTEE

MAY 5, 2015

Testimony of Beatrice M. Friedlander, JD, on behalf of the Animal Law Section, State Bar of Michigan; and Attorneys for Animals, in support of HB 4353 and HB 4355.

Chair Kesto, Majority Vice Chair Lucido, Minority Vice Chair Irwin and Committee

Members: thank you for considering these important bills and for the opportunity to speak to you this afternoon.

INTRODUCTION:

Animal Law Section: The first page of the position statement, a copy of which has been given to all Committee members, provides important information about the State Bar and the Section, and is incorporated by reference in my testimony. In summary, the Animal Law Section is not the State Bar of Michigan itself, but rather a Section whose membership is voluntary. The position expressed is that of the Animal Law Section only and is not the position of the State Bar of Michigan. To date, the State Bar does not have a position on this matter. The number of members in the Section's decision-making body is 15; all 15 voted in favor to this position.

Attorneys for Animals ("AFA") is a 501(c) (3) organization of attorneys, law students and animal advocates, founded and headquartered in Michigan.

While this committee hearing is considering HB 4353 and 4355 only, I will note that they are part of a 4-bill package, two of which were introduced in the Senate and are being heard in the

Senate Judiciary Committee today (SB 219 and 220). The House bills amend that portion of the Code which regulates Pet Shops, Dog Pounds, and Animal Shelters, whereas the Senate bills amend the Criminal Code's provisions on animal cruelty, and the provisions of the Code dealing with fingerprint records. This is a comprehensive package which balances protection of animals with fiscal responsibility.

The House bills generally do the following:

HB 4353 (Santana): Animal rescue shelters and animal control shelters cannot adopt to those who have been convicted of an animal abuse offense (defined) within 5 years; this is the "Animal Adoption Protection Act."; it also gives discretion to the shelter to refuse to adopt to those who were charged with an animal abuse offense, but pled to a different crime in exchange for a dismissal.

HB 4355 (Muxlow): establishes the requirement that shelters check the existing iCHAT system before adopting an animal to make sure the potential adopter is not listed as having committed an animal abuse offense ("Logan's Law").

In support of the bills, the Animal Law Section states as follows: As was the case with the previous versions of this legislation introduced in the 2013-14 legislative session, the Council supports these bills as providing an appropriate and reasonable measure to protect animals as well as humans, given the established connection between animal abuse and other violent behavior. It strikes a balance by making the information available only to parties with a need to know. The iCHAT system is more cost effective, efficient, and comprehensive than the registry initially proposed.

The Council continues to recommend expanding those entities required to search the database to breeders and others who sell, as well as adopt, animals.

In support of the bills, AFA states as follows: These House bills work in tandem with the Senate bills and together work in two ways to prevent those convicted of animal abuse from continuing to own animals. While the Senate bills amend the cruelty act, HB 4355 require shelters to search the State's iCHAT system to determine whether a potential animal adopter has a prior criminal history for an animal abuse offense and HB 4353 prohibits a shelter from adopting an animal to those who have been convicted of an animal abuse offense within the last five years. As an additional measure of protection, HB 4353 gives discretion to the shelter to refuse to adopt to those who were charged with an animal abuse offense, but pled to a different crime in exchange for a dismissal.

In sum, Attorneys for Animals supports these bills and finds that they advance the important objective of safeguarding the welfare of animals in the State. It agrees that expanding coverage of the bills to include entities who sell, in addition to those who adopt, would more fully safeguard the welfare of animals.

Respectfully Submitted,

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President, Attorneys for Animals

